

Michael Adly Baseluos, San Antonio, TX, for petitioner.
Darryl R. Wishard, United States Department of Justice, Washington, DC, for respondent.

On April 1, 2011, Shauni Rai Fischer² filed a petition on behalf of her daughter, KJF, pursuant to the National Vaccine Injury Compensation Program.³ 42 U.S.C. §§ 300aa-1 to -34 (2006). The petition alleged that, as a result of receiving the hepatitis B (“Hep B”), diphtheria-tetanus-acellular pertussis (“DTaP”), haemophilus influenza type b (“Hib”), pneumococcal conjugate (“PCV”) and inactivated polio (“IPV”) vaccinations on April 26, 2010, KJF suffered from infantile spasms and related sequelae. The petition further alleged that KJF suffered the

³ The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

residual effects or complications of this vaccine injury for more than six months. On May 22, 2015, Ms. Fischer passed away, and on June 16, 2015, a joint motion to substitute Mr. Kevin Fischer as the petitioner in this case was granted. On June 18, 2015, the undersigned entered a decision awarding compensation to petitioner based on a stipulation filed by the parties.

On June 26, 2015, the parties filed a Stipulation of Facts Regarding Attorneys' Fees and Costs. According to the stipulation, the parties stipulate to a total award to petitioner of attorneys' fees and costs in the amount of \$95,625.11. In accordance with General Order #9, petitioner's counsel states that petitioner did not advance any reimbursable costs in pursuit of this claim.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request and the lack of any objection by respondent, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

in the form of a check jointly payable to petitioner and to petitioner's attorney, Michael Baseluos of the Baseluos La Firm, PLLC, in the amount of **\$95,625.11**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.⁴

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.